



Montana Nurses' Association

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EXHIBIT 5
DATE 3/12/07
SB 288

SENATE BILL 288– TESTIMONY OF THE MONTANA NURSES' ASSOCIATION

House Education Committee – March 12, 2007

The Montana Nurses Association urges you to support SB 288 as we believe that the provisions of this bill will strengthen the development, operation, security and success of programs vital to young people in need of help.

For many troubled children, private alternative adolescent residential or outdoor programs are their last chance to make lifestyle and behavior changes to keep them out of our correctional system. Such programs can provide lifesaving opportunities to help troubled youth become productive citizens.

At times the programs designed to accomplish these goals may include unusual strategies which sometimes approach a fine distinction between being effective and dangerous. Some behavior modification techniques used may be similar to those found in correctional settings and psychiatric facilities and therefore must be done correctly and safely.

SB 288 is intended to make sure that such techniques are appropriate and safe by instituting a minimum standard of licensure similar to that required for every other Montana institution which provides care for people of any age and to make sure that treatment provided in these facilities is performed by competent, qualified and trustworthy individuals.

Evaluation and treatment of medical and psychiatric conditions must be an essential component of any institution providing care for children. The use of mind altering medications must be subject to rigorous standards. They should be used only for the treatment of mental illness. No participant should be given medication to control behavior – or drugged into submission. SB 288 expands the Board of Private Alternative Adolescent Residential or Outdoor Programs by including the addition of a health care provider and a mental health provider to help ensure that treatment programs involving medications are appropriate and provide access to quality health care. We strongly support this change in the makeup of the board.

In regular community based schools settings, whether public or private, parents are in constant contact with their children, seeing them before and after school. There,

parents are encouraged to visit the classrooms, communicate with the staff, and get to know their children's friends.

However, in a residential treatment program participants are isolated from their parents. As part of the treatment protocol all communication with the participants may be strictly controlled. There is no parent to which a child or adolescent can express fear, pain, or distress. SB 288 provides the Department with the authority to enter and investigate such programs in response to complaints.

Senate Bill 288 is well designed to improve the regulation, safety and oversight of these important treatment programs. It establishes criminal background checks for the providers who are responsible for the physical, psychological, and emotional well-being of children and adolescents. It provides the Board the authority to establish standards for care and it grants the Department the authority to inspect the programs to ensure compliance.

We believe that this legislation takes an important step in ensuring that kids who are in trouble and are in need of help get the kind of quality care, treatment and understanding they need. The Montana Nurses' Association supports this bill and urges you to give it a "do pass" recommendation. Thank you.

Respectfully Submitted,

Linda Henderson, President
Montana Nurses Association